

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MATTHEW G. SILVA,

Plaintiff,

v.

WASHINGTON STATE  
DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

NO. CV-08-5017-RHW

**ORDER DENYING PLAINTIFF'S  
MOTION FOR  
RECONSIDERATION**

Before the Court is Plaintiff's Motion to Rerote Motion to Vacate With Request for Extension to File Reply (Ct. Rec. 67) and Motion for Reconsideration of Motion to Vacate or for Relief from Judgment Per Rule 60(b) (Ct. Rec. 70). The motions were heard without oral argument.

On October 2, 2008, Defendants filed a motion to dismiss. Plaintiff failed to respond to the motion and instead asked for additional time to file a response. To date, Plaintiff has never filed a response, even when the Court issued an order to show cause to do so. On September 29, 2009, the Court entered an Order dismissing the action for failure to prosecute. Plaintiff then filed a motion for reconsideration, which was denied. To date, Plaintiff has not filed a substantive response to Defendants' motion to dismiss.

The Court does not find that good cause exists to reconsider its previous order, or reopen this case.

**ORDER DENYING  
PLAINTIFF'S MOTION FOR RECONSIDERATION ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiff's Motion to Renote Motion to Vacate With Request for  
3 Extension to File Reply (Ct. Rec. 67) is **DENIED**.

4 2. Plaintiff's Motion to Expedite (Ct. Rec. 68) is **DENIED**.

5 3. Plaintiff's Motion for Reconsideration of Motion to Vacate or for  
6 Relief from Judgment Per Rule 60(b) (Ct. Rec. 70) is **DENIED**.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
8 Order, forward copies to Plaintiff and counsel, and **close the file**.

9 **DATED** this 29<sup>th</sup> day of January, 2010.

10  
11 *s/Robert H. Whaley*

12 ROBERT H. WHALEY  
13 United States District Judge

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